United Nations CRPD/C/SR.372

Convention on the Rights of Persons with Disabilities

Distr.: General
1 March 2018

Original: English

Committee on the Rights of Persons with Disabilities
Nineteenth session

Summary record of the 372nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 22 February 2018, at 10 a.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the Sudan (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-02793 (E) 280218 010318

1802793

Please recycle

The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 *(continued)*

Initial report of the Sudan (continued) (CRPD/C/SDN/1; CRPD/C/SDN/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of the Sudan took places at the Committee table.*

Articles 11–20

2. **Mr. Mohamed** (Sudan), responding to questions put at the previous meeting, said that a voluntary aid department was responsible for managing emergency situations. National legislation on emergency and humanitarian action was being reviewed to better accommodate the needs of persons with disabilities. Such persons could be resettled after a crisis or an emergency.

3. Regarding the legal capacity of persons with disabilities, discussions were being held with a view to bringing the relevant provisions of domestic law into line with the Convention. The Code of Civil Procedure had been drafted in such a way as to afford the greatest possible protection to persons who had been deprived of their legal capacity.

4. Training on the provision of services to persons with disabilities had been organized for civil servants working in a range of fields. A pool of accredited sign language interpreters had been established, in coordination with the National Federation of Deaf Persons, to assist persons with disabilities with legal proceedings and administrative matters. There were plans to install information and communication technology in universities and courtrooms to enable remote communication with sign language interpreters.

5. Article 49 of the Criminal Code, which provided that an accused person with a mental or psychological condition could be admitted to a hospital or entrusted to the care of a guardian by order of the court, should be read in conjunction with the other relevant provisions of domestic law. In particular, it should be noted that courts were required to consult a medical expert on the mental health of the accused before taking any such steps.

6. The practice of female genital mutilation had been criminalized in four provinces where it was particularly common. Administrative measures had been taken to combat the practice and to monitor its prevalence. Awareness campaigns were being conducted, in collaboration with religious and community leaders, celebrities and athletes. The issue was also being addressed through a campaign to reduce maternal mortality.

7. Witchcraft and exorcism were prohibited by law. Most traditional healers were certified in accordance with standards drawn up by the national health authorities and were authorized to work only in certain areas. Teachers of the Qur'an had been mobilized to help tackle problems relating to traditional healing, under the supervision of the Ministry of Education.

8. Improving access to assistive devices was a priority for the Government. Personal assistance for persons with disabilities mostly remained limited to support provided by family or friends on a voluntary basis. However, an initiative had recently been launched whereby such assistance was provided by national service volunteers.

9. Assistive devices were exempt from all import, sales and production taxes. Training on the use of assistive devices was provided by rehabilitation centres. Persons with visual impairments could learn how to use a white cane and perform everyday activities such as household chores at the National Centre for the Rehabilitation of Blind Persons, which had branches in six provinces.

10. **Mr. Agame** (Sudan) said that persons with mental disabilities were protected by law. For example, the penalty for murder was reduced if the convicted person had a mental disorder. The practice of female circumcision was rooted in tradition and therefore very difficult to eliminate.

11. **Mr. Magzoub** (Sudan) said that, although some provisions of domestic law had not yet been aligned with the Convention, the Constitution established that all international and regional human rights treaties should be considered part and parcel of domestic law. As a result, the provisions of the Convention prevailed over any provisions of domestic law that were incompatible with his country's commitment to the Convention.

12. Persons with mental disabilities were entitled to inherit, own and receive property. The provisions of the Civil Transactions Act which stipulated that the court could appoint a custodian to manage the affairs of such persons were designed to assist them, protect their interests and support them in exercising their legal capacity, in accordance with article 12 (3) of the Convention.

13. Appropriate assistance was provided for persons with disabilities in all courts, including at the local level, in accordance with a recommendation made by the Advisory Council on Human Rights.

14. No persons with disabilities were ever hospitalized without their consent or that of their guardian. The hospitalization of an accused person with mental disabilities under article 49 of the Criminal Code or article 202 of the Code of Criminal Procedure could not be considered forced hospitalization because it was based on a court order.

15. It was illegal to practise medicine without authorization from the Government. Treatment by an unlicensed traditional healer was considered torture and was punishable under criminal law. In cases where certified mental health specialists believed there was some merit in traditional healing, treatment of that kind could be provided under medical supervision, subject to an informal agreement with a traditional healer.

16. The prohibition of treatment without consent under the Public Health Act applied to treatment without consent in a public health facility or by a traditional healer, as well as treatment by an unlicensed traditional healer.

17. **Mr. Agame** (Sudan) said that it was believed to be in the interest of persons with mental impairments to be assigned a guardian. Such guardians were usually court-appointed.

18. **Mr. Atmouri** (Sudan) said that, regarding mobility, the National Centre for the Rehabilitation of Blind Persons had been established decades earlier. Training had been provided to traffic police and law enforcement officers; in addition, awareness-raising campaigns, including the observance of White Cane Day, had been carried out using the mass media. The presidential committee entrusted with drafting the country's national human rights report included members with disabilities, refugees and members of displaced communities. Visits were regularly paid to camps along the borders of the Sudan and in Darfur, to ensure the provision of various social services to persons with disabilities living there. The circumstances of those with motor disabilities, in particular, were taken into account and they were given special treatment as provided by law.

19. **Ms. Saeed** (Sudan) said that sign language training was being provided and a number of sign language interpreters were employed by the media. A bill on female genital mutilation was currently being drafted. The infrastructure of the camps for displaced persons had been reviewed and adapted for persons with disabilities. Lastly, caretakers who were in contact with persons with disabilities were provided with adequate training; there was a university faculty that provided specific training in that regard.

Articles 21–33

20. **Mr. Chaker**, commending the State party for its signing of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, as well as for its compilation, in collaboration of the United Nations Educational, Scientific and Cultural Organization (UNESCO), of a sign language dictionary, suggested that such efforts might be expanded to involve and benefit other Arab countries, perhaps by working with the League of Arab States.

21. **Mr. Alsaif** said that he would like to know what measures had been taken to integrate persons with disabilities in public schools. Statistics on the number of public

schools that had introduced integration programmes for children with disabilities would be appreciated.

22. Turning to article 27 of the Convention, he said that it would be interesting to hear whether any additional legislative measures had been taken to reduce the number of working hours for persons with disabilities. Such measures could, for instance, allow persons with disabilities to schedule regular therapy appointments at the hospital. He would also like to know whether it was compulsory under Sudanese law to provide training to persons with disabilities so that they could benefit from promotion schemes.

23. **Mr. Martin** said that it would be useful to hear what steps the State party had taken to provide persons with disabilities with public information in Braille, sign language and Easy Read formats. Easy Read, which was a way of writing that relied on everyday words and images to facilitate comprehension, was helpful for people with an intellectual disability and also for non-native speakers of a given language. In addition, he would appreciate information on the measures taken to ensure that all persons with disabilities could exercise their right to vote, including by allowing them to vote using accessible formats. Regarding article 25 of the Convention, he wished to know what was being done in the State party to improve the health outcomes of persons with intellectual disabilities and to ensure that health care was available, affordable and accessible.

24. **Mr. Buntan** said that he would like to know how the Sudan ensured that representative organizations of persons with disabilities had an important role in the monitoring of the implementation of the Convention. It would furthermore be interesting to learn what measures had been taken to empower or enable persons with disabilities with intellectual or psychosocial disabilities to represent themselves.

25. **Mr. Langvad** said that implementation of the State party's inclusive education policy appeared to be slow, and equal access to education by persons with and without disabilities seemed lacking. Further information on the State party's plans to introduce truly inclusive education with clear time frames and goals, including legislative reform, would be welcome. He would also like to know whether the Sudan was considering introducing legislation on rehabilitation in line with article 26 of the Convention.

26. **Mr. Kim** Hyung Shik, referring to article 26, said that while the State party was to be commended for its efforts in areas such as artificial limb-making, it appeared to neglect the importance of removing existing educational barriers and pushing for societal change; such disregard ran counter to the principles expressed in article 3 of the Convention. Regarding article 27, information on the number of employed and unemployed persons with disabilities would be appreciated, as would details of any measures designed to ensure the employment of such persons in the public and private sectors. Specifically, he would be interested to know whether there was a quota system or a strategy for supporting employment. Noting that the State party attached great importance to international cooperation, he said that he would welcome examples of development projects that had ensured the participation and inclusion of persons with disabilities in project planning, implementation and monitoring and that truly demonstrated tangible benefits to persons with disabilities.

27. **Mr. Rukhledev** said that he would like to know whether there were any State-run programmes that promoted sports for persons with disabilities, specifically for the deaf and for children with disabilities, or programmes that supported creative and cultural activities for persons with disabilities.

28. **Mr. Basharu** said that it would be useful to know what provision had been made to help parents with disabilities and parents of children with disabilities in their parenting duties. Regarding article 29, he would appreciate clarification on whether persons with disabilities enjoyed the right to vote by secret ballot and whether information about the electoral process was accessible to such persons.

29. **Mr. Kabue** said that the Committee understood that the deaf community in the Sudan was seeking recognition of the Sudanese Sign Language as a national language in exercise of their freedom of expression. Did the Government have any plans to provide such recognition?

30. Regarding article 23, a number of laws in the Sudan still made marriage subject to restrictions based on legal capacity; such restrictions were considered by the Committee as a violation of the rights of persons with disabilities. He would like to know, therefore, whether the Government had plans to amend those laws so that people with disabilities of all types, including psychosocial disabilities, could exercise their freedom to marry and found families.

31. While the State party's introduction of a quota system with regard to the employment of persons with disabilities was commendable, the clause "taking due account of the requirements of the job and the nature of the disability", contained in article 24 (7) of the 2007 Civil Service Act, which established the quota system, was discriminatory. He wished to know whether the State party planned to review that particular article of the Act so that persons with disabilities were not restricted to stereotypical jobs. As for international cooperation, he would like to know what efforts the State party had made to involve persons with disabilities in international cooperation programmes, as required by the Convention, by working with organizations of such persons.

32. **Mr. Tatić** said that, considering the Sudan's vast size, it would be interesting to hear what measures the State party had adopted to ensure access to education for children living in remote areas and what funding was available to carry out such measures. The volunteer services mentioned by the State party might be useful in that regard. While he appreciated that the Sudan, as a developing country, had limited resources, it was crucial to invest in children, who represented the country's future. More information on the physical accessibility of universities would be appreciated, as would details of accessibility options for tourists visiting the Sudan and the availability of relevant information.

33. **Mr. You** Liang said that the Convention's scope was not limited to human rights, but extended also to development. As a developing country, the Sudan should not neglect human, social and economic development. It was important to identify persons with disabilities, as well as their specific situation and needs. He would therefore like to know what measures had been taken or were being considered to collect and analyse data on persons with disabilities in the country and to design programmes tailored to each person in such a way that they could reap the benefits of education, economic empowerment and poverty reduction policies. In the light of the 2030 Agenda for Sustainable Development and the international community's focus on enhancing cooperation with African countries, he wished to know what steps had been taken by the State party to spur such cooperation efforts and to include disability issues in its national programme for implementation of the 2030 Agenda .

34. **Mr. Babu** (Country Rapporteur) said that the Committee lauded the Government's efforts to upgrade the Special Education Department of the Ministry of Education, which demonstrated its political will to serve the needs of persons with disabilities. Indeed, failure to ensure access to education usually meant a life of stigma and discrimination for such persons. He was concerned that despite the upgrade, the Special Education Department seemed to lack the resources needed to operate in all the country's districts and provinces. Moreover, the department appeared to operate in a silo and to be unable to coordinate strategies and budgets with other departments in the Ministry of Education; as a result, it was difficult to cull good practices from the various districts and to apply corrective measures when necessary.

35. **Mr. Pyaneandee** suggested that the State party might consider conducting a study on the socioeconomic and cultural benefits of inclusive education and using the results of such a study to raise public awareness of the issue. He noted with concern that there appeared to be a lack of oversight in many respects; he suggested that the National Human Rights Commission should be given more investigative powers to allow it to better monitor implementation of the Convention.

36. **The Chair** said that she had understood from remarks the delegation had made that it was considered appropriate in the Sudan for persons with disabilities to exercise their legal capacity through a guardian. That was certainly not a view shared by the Committee which, in its general comment No. 1, had made it abundantly clear that any form of substitute decision-making was inconsistent with the Convention. If there was to be a

paradigm shift from the medical to the human rights-based model of disability, States had to move away from substitute decision-making for adults with any kind of disability, however severe. Equal representation before the law applied also to criminal matters. All too often, persons with intellectual disabilities charged with a criminal offence were not sent to prison but held in some kind of mental health institution and thereby deprived of all the constitutional rights normally enjoyed by persons in conflict with the law.

37. Although the Sudan had robust legislation that outlawed medical experimentation and prohibited any kind of forced medical treatment, she was concerned that the law still allowed the guardian or representative of a person with a disability to make a decision regarding that person's treatment. In the Committee's view, that amounted to a violation of the Convention and the State party should consider amending the relevant legislation. Finally, she wished to know if the Government was contemplating amending the 2009 National Human Rights Commission Act with a view to guaranteeing the Commission's independence.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

38. **Mr. Mohamed** (Sudan) said that the main problem facing persons with disabilities in the Sudan, as in many other countries, was that of accessibility to services, information, products, facilities and education. The education of persons with disabilities was a priority of the national disability strategy, and the Sudan had adopted an inclusive approach in which no distinction was made between students with disabilities and others. Despite accessibility issues and shortcomings in the format of curricula, students with visual and motor disabilities were integrated into the public education system. There were also a number of specialized schools and institutes. The five-year plan (2012–2016), which had had a focus on special education, had been replaced by a new plan that focused on integration and included provision for training teachers, adapting the school environment, updating curricula and providing assistive devices. In addition, a clearly defined and well-budgeted plan had been developed with the United Nations Children's Fund (UNICEF), which he hoped would attract support from other States and United Nations agencies.

39. The issue of employment quotas for persons with disabilities was addressed in labour legislation, and laws that were not in line with the constitutional provision whereby no one could be deprived of employment on the grounds of disability had been amended. Persons with disabilities were entitled to employment and promotion purely on the basis of their merits and qualifications, on an equal footing with others. Efforts were made to ensure that persons with disabilities could access the media, and sign language interpretation was provided for television news broadcasts, as well as for other programming on subjects such as health education.

40. Different kinds of organizations of persons with disabilities existed in the Sudan. In some cases, all the members of an organization's governing board were themselves persons with disabilities. In addition to the National Federation of Blind Persons, the National Federation of Persons with Motor Disabilities and the National Federation of Deaf Persons, a fourth group representing persons with mental disabilities was being formed. The initiative had come from the families of children with mental disabilities; however, the trend was towards self-representation, and children with mental disabilities were receiving training to empower them to speak directly for themselves. Children with disabilities of all kinds, including mental disabilities, were represented in the children's parliaments.

41. The Sudan relied heavily on international cooperation and expertise in a number of different fields. In relation to disability, for example, in addition to ongoing collaboration with UNICEF and the World Health Organization (WHO), the Ministry of Labour and Administrative Reform cooperated directly with the International Labour Organization (ILO) and the Arab Labour Organization (ALO). An integrated education project was being run by the Association for Sustainable Development (ADD) in the province of Gedaref, with funding from the United States Agency for International Development (USAID) and input from organizations of persons with disabilities. A number of large-scale projects were being set up with support from the European Union and annual disability training programmes were run in association with the Japan International Cooperation Agency (JICA).

42. Persons with disabilities were very active in the field of sports and had participated successfully in competitions at both local and international level. The Sudan had recently joined the Special Olympics International and was looking forward to sending a team of young athletes with mental disabilities to the next Special Olympic World Games, due to take place in Abu Dhabi in 2019.

43. **Mr. Agame** (Sudan) said that Mr. Chaker and other members of the Committee were very welcome to visit the Sudan to witness first-hand the active role played by persons with disabilities and the facilities available to them. Despite difficulties, efforts to produce sign language dictionaries would continue.

44. **Mr. Atmouri** (Sudan) said that considerable progress had been made in the employment of persons with disabilities and, thanks to recent legislative amendments, physical capacity was no longer a hindrance to getting a job. Persons with disabilities were not allocated specific posts but had a whole host of opportunities open to them. In fact, persons with visual, hearing and motor disabilities worked as legal advisers and in other important positions within the Ministry of Justice, the Ministry of Welfare and Social Security and other ministries. In many cases they worked in areas unrelated to disability. The minimum quota of 2 per cent of public sector posts reserved for persons with disabilities had been raised to 5 per cent following recent amendments to the Civil Service Act. Persons with disabilities were also free to compete for posts outside the allocated quota. In addition, the 2017 Persons with Disabilities Act included provisions to encourage the employment of persons with disabilities in the private sector. In fact, large numbers of people with hearing, motor and other disabilities were employed in soft drinks manufacturing and in the telecommunications sector. The numbers of persons with disabilities in employment had increased across the country. Unfortunately, however, precise statistics were not available.

45. Persons with disabilities were free to participate in the political process. In recent elections, 32 candidates with disabilities — members of political parties and independents — had presented themselves for election at the national level, and 7 had been successful, including 1 woman. Persons with disabilities, including deaf persons, and sign language interpreters had been included in electoral monitoring commissions. Measures had been taken to address accessibility problems that had arisen in a number of voting centres — for example, by providing assistance to voters with visual disabilities to help them cast their ballot — and, in general, persons with disabilities of all kinds had been able to exercise their voting rights fully and transparently. Organizations and federations of disabled persons, which operated across the entire country, received technical support and funding from the Ministry of Finance, local charitable organizations and other States such as European countries and the United States. The guardians of persons with intellectual disabilities were responsible only for providing assistance. Otherwise, those persons were free to express their own views and exercise their own rights.

46. **Ms. Saeed** (Sudan) said that, under the Constitution, international treaties ratified by the Sudan, including the Convention, were an integral part of domestic law and strenuous efforts were being made to adapt legislation accordingly. Labour laws in the Sudan were applied equally to all citizens. Appointments were made on the basis of merit and no distinctions were made on any grounds, including that of disability. Moreover, everyone was entitled to sick leave and to health insurance. The 2017 Persons with Disabilities Act included provisions on habilitation and rehabilitation that reflected those contained in article 26 of the Convention. Public- and private-sector institutions and rehabilitation centres existed for the treatment of persons with all forms of disability, particularly children.

47. Under the Constitution, everyone was entitled to marry, regardless of disability. The annual national education budget included an allocation for the education of persons with disabilities. A specialized department with responsibility for schooling in rural and remote areas, and among nomadic communities, had been created within the Ministry of Education. It sought to ensure that children with disabilities in those areas also had equal access to education.

48. Appointments to posts in the public service, in education and other sectors, took place not only at the central level but also at the level of provinces and local districts,

thereby ensuring greater equality of opportunity for people living in remoter areas, including those with disabilities. The last population census in the Sudan had taken place before the separation of South Sudan. A new census was due to take place in 2018 and would incorporate information that had been omitted in previous censuses, including information about disability.

49. **Mr. Magzoub** (Sudan), responding to comments made by the Chair, said that judges in the Sudan drew inspiration from the Convention and were careful to adhere to its provisions when interpreting the law, especially in matters relating to legal capacity.

50. The National Human Rights Commission, as an organization that guaranteed respect for and the protection and promotion of human rights, was considered to play an integral role in upholding the Bill of Rights contained in the Interim National Constitution of 2005. Great importance would be placed both on the Bill of Rights and on the National Human Rights Commission in the drafting of the new Constitution. He was in charge of the recently established Department of Constitutional Affairs and Research of the Ministry of Justice, the remit of which was to prepare drafting options for the new Constitution based on a comparison of best practices regarding constitutional issues. Moreover, the Advisory Council on Human Rights was drafting a comprehensive law on human rights that would incorporate the national human rights institutions, including the Advisory Council itself, in the national institutional framework in accordance with the Paris Principles.

51. **Mr. Salih** (Sudan) said that he agreed with Mr. Chaker's suggestion that it would be useful to work on sign language dictionaries with a view to supporting other Arab countries' work in that area. He hoped that any such work could be done in cooperation with Arab countries that wished to learn from what had been achieved in the Sudan with regard to the rights of persons with disabilities.

52. The delegation would request the Ministry of Tourism to take measures to facilitate the right of persons with disabilities to participate in tourism. The Sudan had much to offer tourists, with many historical, natural and cultural attractions that should be made accessible to persons with disabilities.

53. **Mr. Mohamed** (Sudan), said that making educational centres accessible to persons with disabilities had been made a priority in the Sudan. In fact, a major conference on that topic had been held in 2017. Government meetings and international cooperation on disability-friendly construction requirements had led to the adaptation of toilets to ensure full accessibility by persons with disabilities. The implementation of inclusive education programmes by the Special Education Department of the Ministry of Education had faced a number of obstacles, such as insufficient technical capacity, but those had now been lifted. The Department, formerly isolated, had recently been granted the competence to cooperate fully with other national institutions. Furthermore, a department on accessibility was due to be established. Special education departments in six universities provided for the use of sign language, which had become an official language in the courts, universities and schools. The difficulties posed by the many vernacular sign languages used in the Sudan had been overcome through efforts to standardize terminology.

54. The compilation of statistics regarding persons with disabilities remained a challenge. For example, it was not yet possible to know what proportion of persons with disabilities had health insurance. However, work was under way to gather data and compile statistics on persons with disabilities working for government bodies. Furthermore, data gathered through censuses with regard to unemployment included information on whether individuals had disabilities. That information was then stored in a database. Reports were being drawn up on methods for gathering further data of that type.

55. Environmentally-friendly campaigns had been launched to enable persons with disabilities to participate in tourism, including a survey of tourist attractions in Khartoum, focusing on ways to increase accessibility.

56. **Mr. Agame** (Sudan) said that one of the most important issues touched upon by the Committee was that of guardianship. Only persons with disabilities under the age of 18 and persons with mental or intellectual impairments were assigned guardians, which was done with their best interests in mind. Moreover, guardians' consent was required only when

they had to sign a commitment or agree to a major medical operation on behalf of the person in their care. Persons with disabilities under the care of a guardian never received medical treatment against their will.

57. The President of the Republic of the Sudan had declared 2018 the year of disability in an effort to raise awareness of issues faced by persons with disabilities. As a result, a number of organizations, institutions and government ministries had made major commitments to tackling the challenges facing persons with disabilities in all areas of life, including health, education and employment. For example, hospitals were being encouraged to carry out further work on the early detection of disabilities among children.

58. **Mr. Babu** said that the Committee's dialogue with the delegation had been an enriching one. However, misconceptions about the definition of disability continued to abound, specifically regarding the acceptance of the fact that persons with psychosocial conditions were persons with disabilities. Studying the Committee's general comment No. 1 might help to clarify what was meant by legal capacity with regard to that issue. Such misconceptions were not confined to the Sudan, however; they resulted from the interaction between the Convention and the varying traditions, cultures and values of its States parties. Interactions such as the dialogue between the Committee and the Sudanese delegation often led to the revision of such value systems and the correction of misconceptions. The Convention had ushered in a new way of considering and appreciating human diversity without recourse to stereotypes, as had been reflected in the Committee's interaction with the Sudanese delegation. He hoped that, as a result of that interaction, the State party might reflect on its work to promote the rights of persons with disabilities and begin to work together with them in a mutually respectful and effective manner, avoiding tokenism, as part of a holistic approach to understanding the Convention.

59. **The Chair**, thanking the delegation for its openness and commitment to promoting the rights established under the Convention, said that she hoped that the coming year of disability in the Sudan would culminate in a project reviewing substitute decision-making for persons with intellectual impairments.

The meeting rose at 12.50 p.m.